IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

MONDAY, THE 3RD DECEMBER 2007 / 12TH AGRAHAYANA 1929

OP.No. 13195 of 2001(U)

PETITIONER:
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1. PAILY VARGHESE, AGED 61, SON OF PAILY, PUTHENKUDY HOUSE, RAYAMANGALAM P.O., KURUPPANPADY, PERUMBAVOOR, ERNAKULAM DIST.

2. CHINNAMMA PAULOSE, WIFE OF P.V. PAULOSE, AGED 42 YEARS, DO.DO.

3. BIBIN P. PAUL, SON OF P.V. PAULOSE, AGED 21, DO.DO.

4. P.V. PAULOSE, SON OF VARGHEST, AGED 46 YEARS, DO.DO.

BY ADV. SRI.ALEXANDER JOSEPH
SRI.JOHNSON THOMAS

RESPONDENTS:
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1. STATE OF KERALA, REPRESENTED BY SECRETARY TO GOVT., REVENUE DEPARTMENT, TRIVANDRUM.

2. DEPUTY TAHSILDAR, REVENUE RECOVERY, OFFICE OF THE DEPUTY TAHSILDAR, ALUVA

3. THE MANAGER, FEDERAL BANK LTD., VENGOOR BRANCH, PERUMBAVOOR, ERNAKULAM DIST.

R3 BY ADV. SRI.VARGHESE C.KURIAKOSE
R1 AND R2 BY GOVERNMENT PLEADER SMT. SMITHA

THIS ORIGINAL PETITION HAVING BEEN FINALLY HEARD ON 03/12/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ORDER ON CMP 20895 OF 2001 IN OP 13195 OF 2001

DISMISSED

3.12.2007 SD/-C.N.RAMACHANDRAN NAIR, JUDGE.

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1 TRUE COPY OF THE DEMAND NOTICE NO. B9-11355/01 DATED 22.3.2001 OF THE 2ND RESPONDENT TO THE 1ST AND 2ND PETITIONER.

EXT.P2 TRUE COPY OF THE DEMAND NOTICE NO. B9-10675/01 DATED 15.3.2001 OF THE 2ND RESPONDENT TO THE 2ND AND THIRD PETITIONERS.

EXT.P3 TRUE COPY OF THE DEMAND NOTICE NO. B9-4475/01 DATED 14.2.2001 ISSUED BY THE 2ND RESPONDENT TO THE 2ND AND 4TH PETITIONERS.

THIRD RESPONDENT'S EXHIBITS:

EXT.R3(a) TRUE COPY OF THE LOAN APPLICATION DATED 29.9.1998 SUBMITTED TO THE THIRD RESPONDENT BANK.

EXT.R3(b) TRUE COPY OF THE ACCOUNT MAINTAINED BY THE THIRD RESPONDENT BANK WITH RESPECT TO AGRICULTURAL MEDIUM TERM LOAN 314

EXT,R3(c) TRUE COPY OF THE ACCOUNT MAINTAINED BY THE THIRD RESPONDENT BANK WITH RESPECT TO AGRICULTURAL MEDIUM TERM LOAN 311

EXT.R3(d) TRUE COPY OF THE AGRICULTURAL MEDIUM TERM LOAN 311

TRUE COPY

P.S. TO JUDGE.

C.N. RAMACHANDRAN NAIR, J.

O.P. NO. 13195 OF 2001

Dated this the 3rd day of December, 2007

JUDGMENT

O.P. is filed challenging the recovery proceedings for recovery of loan taken by the petitioners from Federal Bank Ltd. Counsel for the petitioners submitted that he has no instruction in the matter. Petitioners' case in the O.P. is that loan availed by them cannot be recovered through revenue recovery proceedings. Conditional stay order granted by this Court was not complied with. Small business loans given to petitioners are also covered by notification issued under Section 71 of the RR Act. Therefore O.P. is devoid of any merit and is dismissed. However, second respondent is directed to attach and sell the movable and immovable properties of the defaulters and recover the loan amount forthwith, if the petitioners do not settle the liability directly with the Bank.

(C.N. RAMACHANDRAN NAIR)
Judge